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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,429	09/16/2003	Christopher M. Glenna	54093US010	4543

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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/664,429	GLENN ET AL.	
	Examiner	Art Unit	
	Nasser Ahmad	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-30 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Rejections Withdrawn

1. Claims 15-17, 21 and 27-30 rejected under 35 USC 102(b) as being anticipated by the English Translation of Japanese: 7-78203 in the last Office Action of January 12, 2005 has been withdrawn in view of the amendment filed on April 12, 2005.
2. Claims 15-17 and 20-30 rejected under 35 USC 103(a) as being unpatentable over the English Translation has been withdrawn in view of Golub in view of the amendment.

Allowability Withdrawn

3. Claims 18 and 19 indicated as being allowable has been withdrawn in view of the amendment.

Response to Arguments

4. Applicant's arguments with respect to claims 15-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15-17, 20-25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dills (4512462) in view of Hammond (2015268).

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Dills relates to a tape roll comprising a central tape roll axis, a length of adhesive tape (16) is circumferentially wound about the axis, a tab (10) is adhered to the adhesive surface of the trailing end of the tape and is, in turn, adhered to the penultimate layer of the tape. As shown in figure-3, the tab has at least one hole (18) and that the trailing end of the tape is located between the ends of the tab. The tab can be of paper (col. 2, lines 18-19) which is known to be opaque or polyethylene (col. 3, lines 23), that is known to be transparent. However, Dills fails to teach that the tab has adhesive on its second side which is adhered to the first side of the tape. Hammond discloses adhesive tape tab comprising an adhesive strip (c) with perforations (d) in figure-3. In figure-2, Hammond teaches that the tab has adhesive portions (g) and adhesive deadened portions (f). Hammond shows that providing adhesive on a tab with hole or without hole, including adhesive and non-adhesive portions, are equivalent structure known in the art. Therefore, because these two adhesive tabs with holes and adhesive tab without holes were art recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute Hammond's adhesive tab without holes for Dills' tab with at least one hole.

As shown in Hammond, figures-2 and 4, the tab has adhesive portion adjacent the second end of the tab and non-adhesive portion adjacent the first end of the tab, and that the non-adhesive portion is formed by the deadening sections (f).

Since the strip stays with the tape (figure-1), upon lifting of the trailing end, the adhesive strength of the tab is greater than that of the tape. Figure-4 shows that the adhesive strength is the same as that of the tape because the tab is split.

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For claims 24 and 25, the provision of limited adhesive surface being exposed to adhere the tab will provide for less adhesive strength and also repositionability.

7. Claims 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dills in view of Hammond and Golub (5329527).

Dills and Hammond, as discussed above, fails to teach that the tab comprises a adhesive over its entire second side. Golub discloses an adhesive tab (figures 2 and 8) with adhesive coated over the entire surfaces to provide for enhanced adhesion of the trailing end of the tape to the penultimate layer via the tab. The tab in figure-2 also is shown to be a laminate. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Golub's teaching of providing adhesive coating over the entire second surface of the tab in the invention of Hammond with the motivation to provide for enhanced adhesion.

Allowable Subject Matter

8. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach or suggest that the tab comprises at least a portion of the adhesive portion of the second side is folded and adhered to the second side of the tab to provide the non-adhesive portion.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad
Primary Examiner
Art Unit 1772

N. Ahmad.
July 5, 2005.